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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Pierre-Armand Thomas

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9692

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EXAMINER

SINGH, SUNIL

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

08/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,7,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 5224798) in view of either Bulkley et al. or Evans (US 2308743, 4456404). Thomas discloses a structure comprising: a floating hull (1) fitted with at least three lifting legs (2) for this hull, adapted to rest on the seabed, each lifting leg being associated with mechanical displacement means (see Fig. 2) housed in a bearing framework of said hull, and shuttle (11) which can be displaced along the lifting legs. Thomas discloses the invention substantially as claimed. However, Thomas is silent about including a u-shaped hull and a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull. Bulkley et al. and Evans both teach a u-shaped hull (see Fig. 2,3) and a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull (see Fig. 8, 7). It would have been considered obvious to one of ordinary skill in the art to modify Thomas to have a u-shaped hull and a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull as taught by either Bulkley et al. or Evans in order to provide a structure with easier access

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to the interior of the hull and in order to reduce load on the mechanical displacement means of the hull.

Re claim 7, independent branch (see 3, of Bulkley et al. ref).

3. Claims 1-4, 7,8,9,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO document '425 in view of either Bulkley et al. or Evans (US 2308743, 4456404).

WO '425 discloses a structure comprising: a floating hull (11) fitted with at least three lifting legs (12) for this hull, adapted to rest on the seabed, each lifting leg being associated with mechanical displacement means (see Fig. 3) housed in a bearing framework of said hull, and shuttle (30) which can be displaced along the lifting legs.

Thomas discloses the invention substantially as claimed. However, Thomas is silent about a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull. Bulkley et al. and Evans both teach a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull (see Fig. 8, 7). It would have been considered obvious to one of ordinary skill in the art to modify WO '425 to have a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull as taught by either Bulkley et al. or Evans in order to reduce load on the mechanical displacement means of the hull.

Re claim 7, independent branch (see Fig. 2 of WO document).

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With regards to claim 8, the recited method steps are considered obvious in view of the combination of references above.

Allowable Subject Matter

4. Claims 10 and 11 are allowed.
5. Claims 5,6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 4/23/09 have been fully considered but they are not persuasive. In response to applicant's argument that the shuttle of Thomas is not operable to move one of a framework element, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Applicant argues that Thomas does not teach a shuttle that is independently operable. The examiner agrees. However, such teaching can be found in Bulkley and Evans. Applicant argues that neither Bulkley nor Evans teach a shuttle that is independently operable. The examiner disagrees. Since each shuttle described in Bulkley and Evans include its own drive means, the shuttles are then considered independently operable.

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Bulkley and Evans include its own drive means, the shuttles are then considered independently operable.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Sunil Singh
Primary Examiner
Art Unit 3672

SS

8/14/09